

109TH CONGRESS  
2D SESSION

# H. R. 5831

To authorize the Director of the United States Patent and Trademark Office to extend a reissue patent for up to two years if the application for reissue is not processed within 10 years.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2006

Mr. BACA introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To authorize the Director of the United States Patent and Trademark Office to extend a reissue patent for up to two years if the application for reissue is not processed within 10 years.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. AUTHORITY TO EXTEND PATENTS IN IN-**  
4               **STANCES OF MORE THAN 10 YEAR APPLICA-**  
5               **TION PENDENCY FOR REISSUED PATENTS.**

6       Section 154(b) of title 35, United States Code, is  
7       amended—

1           (1) by redesignating paragraphs (3) and (4) as  
2           paragraphs (4) and (5), respectively; and

3           (2) by inserting after paragraph (2) the fol-  
4           lowing new subparagraph:

5           “(3) AUTHORITY TO EXTEND A PATENT WHEN  
6           APPLICATION FOR REISSUE IS PENDING FOR 10 OR  
7           MORE YEARS.—If the reissue of a patent is delayed  
8           due to the failure of the United States Patent and  
9           Trademark Office to reissue the patent within 10  
10          years after the actual filing of the application for re-  
11          issue in the United States, the Director may extend  
12          the term of the reissued patent for a period not to  
13          exceed two years.”.

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